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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,657	12/05/2003	Ryuichiro Yoshimura	Q78735	9223
23373 7590 03/08/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER JUNG, DAVID YIUK	
			ART UNIT	PAPER NUMBER
			2134	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/727,657

Applicant(s)

YOSHIMURA ET AL.

Examiner

David Y. Jung

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/03;10/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-23 are presented.

Claims 19-21 are rejected under 35 USC 102 as being anticipated by Seligfreund (cited by Applicant, WO 02/03386 A2).

Claims 1-2, 11-18, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligfreund (cited by Applicant, WO 02/03386 A2).

Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligfreund (cited by Applicant, WO 02/03386 A2) and Kuroda (cited by Applicant, EP 0 969 460 A2).

SEARCH REPORT FROM EPO

On 10/12/2004, Applicant provided a search report from EPO. This has been considered with some differences in opinion from that of the EPO examiner (dated 2nd of September, 2004 from EPO Examiner Chabot).

In particular, different references have been used in this US application. See the rejections section.

CLAIM REJECTIONS

Claim Rejections - 35 USC §-102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 19-21 are rejected under 35 USC 102(a) as being anticipated by Seligfreund (cited by Applicant, WO 02/03386 A2).

Seligfreund teaches as follows.

19. An information recording apparatus for recording contents information and authentication information for indicating that the contents information is genuine on a multilayer information recording medium, the information recording apparatus comprising:
 - a first recording unit for recording the contents information on some layers of the multilayer information recording medium (page 4, lines 1-14, temporary light sensitive material – one layer, material may not respond immediately -- another layer);
 - an encryption unit for encrypting the authentication information by using a predetermined encryption method (page 4, lines 1-9, i.e., authentication code); and
 - a second recording unit for recording the authentication information encrypted by the encryption unit on one of layers in the multilayer information recording medium other than the layers on which the contents information is recorded (page 4, lines 1-9, material may not respond immediately -- another layer, authentication code).

20. A computer-readable information recording medium having contents information and authentication information for indicating that the contents information is genuine recorded thereon, wherein

the authentication information is recorded in such a state that it has been encrypted by using a predetermined encryption method (page 4, lines 1-9, i.e., authentication code), and

a value obtained by conducting a predetermined arithmetic operation using a recording address of the contents information is set as a recording address of the authentication information (page 4, lines 1-9, material may not respond immediately -- another layer, authentication code).

21. A computer-readable multilayer information recording medium
i having contents information and authentication information for indicating that the contents information is genuine, recorded thereon, wherein

the contents information is recorded on some layers of the multilayer information recording medium (page 4, lines 1-14, temporary light sensitive material -- one layer, material may not respond immediately -- another layer), and

the authentication information is encrypted by using a predetermined encryption method and recorded in the encrypted form on one of layers in the multilayer information recording medium other than

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the layers on which the contents information is recorded (page 4, lines 1-9, material may not respond immediately -- another layer, authentication code).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligfreund (cited by Applicant, WO 02/03386 A2).

Regarding claim 1, Seligfreund teaches "An information processing apparatus for reproducing or executing information, comprising:

an ... unit for acquiring the information (Abstract, i.e., reading information);

a processing unit for conducting reproduction processing or execution processing on the information acquired by the ... unit (page 2, lines 17-21, i.e., the twice reading of the locus requires such processing);

an encryption decision unit for making a decision whether information encrypted by using a predetermined encryption method

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is contained in the information acquired by the ... unit (page 4, lines 1-9, i.e., authentication code); and

a first control unit responsive to a fact that information encrypted by using the predetermined encryption method is not contained in the information acquired by the ... unit, found as a result of the decision made by the encryption decision unit, for controlling the ... unit so as to prevent the ... unit from further acquiring at least a part of the information, or for controlling the processing unit so as to prevent at least a part of the information acquired by the ... unit from being reproduced, executed, or finally output (page 4, lines 1-9, material may not respond immediately -- another layer, authentication code)."

These passages of Seligfreund do not teach "acquisition unit" in the sense of the claim.

Nevertheless, it was well known in the art to have a "acquisition unit" for the motivation of having easier control and greater efficiency by the use of a dedicated unit that is dedicated to acquisition.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify the teachings of Seligfreund for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Claims 18, 23 are the other independent claims.

Regarding claim 18, such particular features (recording unit, etc.) are well known in the art for the motivation of saving data.

Regarding claim 23, such particular features (control process, etc.) are well known in the art for the motivation of efficient control.

Regarding claims 2, such particular features (second control, etc.) are well known in the art for the motivation of efficient control.

Regarding claims 11-17, 22, the particular features are well known in the art for the motivation of actuating the multimedia handling.

Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligfreund (cited by Applicant, WO 02/03386 A2) and Kuroda (cited by Applicant, EP 0 969 460 A2).

Seligfreund teaches as noted in the previous paragraphs.

Regarding claim 3, Seligfreund teaches The information processing apparatus according to claim 1, comprising:

a decryption unit responsive to a fact that information encrypted by using a predetermined encryption method is contained in the information acquired by the acquisition unit, for decrypting the information encrypted by using the predetermined encryption method (page 4, lines 1-9, i.e., authentication code);

an authentication information decision unit for making a decision whether the information decrypted by the decryption unit is authentication information (page 4, lines 1-9, i.e., authentication code).

These passages of Seligfreund do not teach "a third control unit ..."

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Kuroda teaches "a third control unit responsive to a information is not authentication information, fact that the decrypted found as a result of the decision made by the authentication information decision unit, for controlling the acquisition unit so as to prevent the acquisition unit from further acquiring at least a part of the information, or for controlling the processing unit so as to prevent at least a part of the information acquired by the acquisition unit from being reproduced, executed, or finally output (column 2, lines 6-54, i.e., error correcting codes are used as identification and authentication, and upon prevents actions if identification shows illegal copying) for the motivation of preventing illegal copying.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of Seligfreund and Kuroda for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Claims 4-10 depend from claim 3. Regarding claims 4-10, the particular features are well known in the art for the motivation of actuating the multimedia handling.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

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David Jung

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke extending to the right.

Patent Examiner

3/4/07